

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CAMPAIGN LEGAL CENTER
1101 14th Street NW, Suite 400
Washington, DC 20005

Plaintiff,

v.

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT
500 12th Street SW, Stop 5009
Washington, DC 20536

Defendant.

Civil Action No. 19-1020

DECLARATION OF MOSHE PASTERNAK

I, Moshe Pasternak, declare under penalty of perjury that the following is true and correct:

1. I am currently the Program Assistant at the Campaign Legal Center (“CLC”), the Plaintiff in this action. I have been employed at CLC since June 2017, and I have been CLC’s Program Assistant since April 2018.
2. As Program Assistant, I work across CLC’s program areas, including its Voting Rights Program. My responsibilities include tracking Freedom of Information Act (“FOIA”) requests and contacting government agencies to learn about the status of requests that CLC makes.
3. I make this declaration based on my personal knowledge.
4. On October 2, 2018, CLC sent a FOIA request (“Request”) to U.S. Immigration and Customs Enforcement (“ICE”) seeking information on ICE’s desire to acquire voter registration data in North Carolina. The Request is attached as Exhibit A.

5. On December 3, 2018, I sent an email to ICE requesting an update on the status of the Request. At the time the Request did not have an ICE assigned tracking number so I included the Request as an attachment. That email is attached as Exhibit B.

6. On December 7, 2018, I called the ICE FOIA office but was unable to reach an operator. I then emailed again seeking an update on the Request. That email is attached as Exhibit C.

7. Later on December 7, 2018, ICE responded to the initial Request via an email to my colleague, Danielle Lang. The email was forwarded to me and I noticed that it misstated the date that the Request was submitted. That email is attached as Exhibit D.

8. On December 11, 2018, I received an email from the ICE FOIA office. The email stated that ICE would “process [CLC’s] request as expeditiously as possible.” That email is attached as Exhibit E.

9. On December 21, 2018, CLC sent a formal letter to ICE seeking a timeline for production and a formal decision on the request for expedited processing. That letter is attached as Exhibit F.

10. On January 28, 2019, I sent an email to ICE requesting an update on the status of the Request. That email is attached as Exhibit G.

11. On January 31, 2019, my colleague Danielle Lang received an email from ICE indicating that responsive documents had been found. That email was forwarded to me and is attached as Exhibit H.

12. On March 7, 2019, I sent an email to ICE requesting an update on the status of the Request. That email is attached as Exhibit I.

13. On March 8, 2019, I received an email from ICE that failed to provide any specific timeline for the production of responsive documents. That email is attached as Exhibit J.

14. On March 12, 2019, my colleague Jonathan Diaz sent an email to ICE requesting an expected completion date for processing. The email notified ICE that CLC was prepared to seek judicial relief. I was copied on that email; it is attached as Exhibit K.

15. In addition to sending emails and calling the FOIA office I also monitored the online Department of Homeland Security ("DHS") FOIA tracker.

16. The online DHS FOIA tracker failed to show information related to the request until the end of March, 2019.

17. On April 8, 2019, I revisited the tracking page. The tracker listed the date that the request was received as December 3, 2018 and gave an estimated delivery date of January 9, 2019. A screenshot of the tracker as it appeared on April 8, 2019 is attached as Exhibit L.

18. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and that Declaration was prepared in Washington, D.C. on April 11, 2019.



Moshe Pasternak
April 11, 2019